

Entered -09-14-99 - sb  
CL 99L0592 - GWENDOLYN BURNS

01- *R*-0378

CLAIM OF:

**COLQUITT CONSTRUCTION, INC.**  
**5396 Valley Mist Court**  
**Norcross, Georgia 30092**

For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on August 23, 1999 at 2773 Pharr Road, NE.

THIS ADVERSED REPORT IS  
APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0592

Date: March 1, 2001

Claimant /Victim COLQUITT CONSTRUCTION, INC.

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 5396 Valley Mist Court, Norcross, Georgia 30092

Subrogation: \_\_\_\_\_ Claim for damages \$ Unspecified Bodily Injury \$ \_\_\_\_\_

Date of Notice: 9/7/99 Method: Written, Proper \_\_\_\_\_ Improper X

Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ Ante Litem (6 Mo.) X

Date of Occurrence 8/23/99 Place: 2773 Pharr Road, NE

Department \_\_\_\_\_ Division \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that its subcontractor's vehicle was damaged as a result of driving over a construction site in the roadway that was left open and in an unsafe condition. However, this claim was improperly filed by the claimant. It should have been filed by the sub contractor instead. Secondly, an investigation determined that United Water Services Atlanta performed work at the incident location. The claimant has been advised to direct its subcontractor to file its claim with same.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

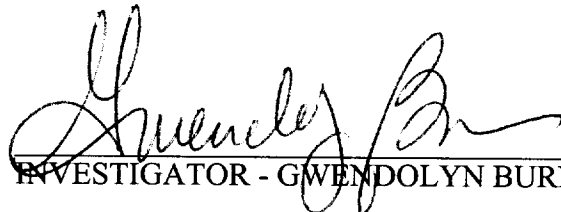
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date DB 02-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COLQUITT CONSTRUCTION, INC.  
5396 VALLEY MIST COURT  
NORCROSS, GEORGIA 30092  
770-729-1614

Reeves  
09/07/99  
DM

ENTERED - 9-14-99 - SB  
99L0592 - MIKE REEVES

August 24, 1999

Attn: Sherry Butler  
Claims  
Law Department, City of Atlanta

Dear Ms. Butler,

I am writing regarding a safety hazard created by the sewer division of the City of Atlanta. The sewer department put in sewer taps at 2773 and 2767 Pharr Road the week of August 16. When the sewer taps were complete, they did not cover the hole in the street. The hole is approximately 4' x 4' wide and 3' deep.

Orange cones were put around the hole, but apparently were moved by someone in the neighborhood. A car belonging to someone unknown to me fell in the hole on Thursday, August 19, 1999. I was informed about this Friday morning. I called and left a voice mail for Allen Moore on Friday, August 19.

On Monday morning, August 23, the hole was still uncovered. I called Allen Moore again around 9:30 am and left another voice mail. At 3:00pm on Monday afternoon, our electrician's truck ended up in the hole and was damaged. I do not know the extent of the damage, however I feel the City of Atlanta should be responsible for the repairs.

Our receipt for the sewer tap purchase lists Allen Moore as the contact person, and he was contacted twice. I never received a return phone call, and no action was taken to secure this liability. My subs finally covered the hole on Monday afternoon.

Our electrician is Tom Minko and his company is Foxx Tech. Please advise us what action needs to be taken in order to get his vehicle repaired. I appreciate your attention to this and your prompt response.

Sincerely,



Stephanie Smith  
General Manager

cc: Tom Minko  
Foxx Tech

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